

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JABORIE BROWN,

Petitioner,

V.

WARDEN OF U.S.P. ATWATER,

Respondent.

Case No. 1:20-cv-00233-SAB-HC

ORDER GRANTING RESPONDENT'S MOTION TO STAY

(ECF No. 12)

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On September 10, 2020, Respondent moved to stay the instant proceeding pending adjudication of Petitioner’s § 2255 motion, which is currently pending in the United States District Court for the Southern District of Florida. (ECF No. 12). To date, Petitioner has not filed any opposition or statement of non-opposition to the motion to stay, and the time for doing so has passed.

Both the 28 U.S.C. § 2241 petition before this Court and the 28 U.S.C. § 2255 motion before the sentencing court filed by Petitioner raise similar claims based upon United States v. Davis, 139 S. Ct. 2319 (2019). (ECF No. 1; Ex. 2, ECF No. 13). Moreover, the § 2255 motion filed in the sentencing court predates the § 2241 petition before this Court. Given that the Southern District of Florida’s resolution of the § 2255 motion may provide clarity to the

1 jurisdictional issue presented in this case and may even be fully determinative of the outcome,
2 the Court finds that the objective of judicial efficiency is served by staying the instant proceeding
3 pending resolution of Petitioner's § 2255 motion in the Southern District of Florida.¹

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Respondent's motion to stay (ECF No. 12) is GRANTED; and
6 2. Respondent shall file a status report regarding the § 2255 matter and any appeal on or
7 before December 22, 2020.

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9 IT IS SO ORDERED.

10 Dated: October 22, 2020



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UNITED STATES MAGISTRATE JUDGE

28 ¹ The Court notes, however, that such a stay should not be indefinite, and the Court may revisit the stay in the event
that resolution of the § 2255 motion is unduly prolonged.